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Separate paging is given to this Part in order that it may be filed as a separate compilation

MINISTRY OF LAW, JUSTICE AND COMPANY AFFAIRS
(Legislative Department)

New Delhi, the 3rd April, 1993/Chaitra 13, 1915 (Saka)

The following President's Act is published for general information:—

**THE UTTAR PRADESH CO-OPERATIVE SOCIETIES
(AMENDMENT) ACT, 1993**

No. 3 OF 1993

Enacted by the President in the Forty-fourth Year of the Republic of India.

An Act further to amend the Uttar Pradesh Co-operative Societies Act, 1965.

8 of 1930.

In exercise of the powers conferred by section 3 of the Uttar Pradesh State Legislature (Delegation of Powers) Act, 1993, the President is pleased to enact as follows:—

1. (1) This Act may be called the Uttar Pradesh Co-operative Societies (Amendment) Act, 1993.

Short title and commencement.

(2) It shall be deemed to have come into force on the 16th day of January, 1993.

2. In section 29 of the Uttar Pradesh Co-operative Societies Act, 1965 (hereinafter referred to as the principal Act, in sub-section (6), in the first proviso, for the word and figures "December 31, 1991", the word and figures "June 30, 1993" shall be substituted.

Amendment of section 29 of U.P. Act 21 of 1966.

Amend-
ment of
section
34.

3. In section 34 of the principal Act,—

(a) in sub-section (1), the following proviso shall be inserted at the end, namely:—

“Provided that where the share capital subscribed to by the State Government is not less than fifteen lakh rupees, the State Government shall also have the right to nominate the Chairman of the Committee of Management from amongst the members of the Committee.”;

(b) after sub-section (1); the following sub-sections shall be inserted, namely:—

“(1A) Notwithstanding anything contained in sub-section (1), the State Government shall have the right to nominate such number of members of the Committee of Management, including the Chairman, as exceeds, and is nearest to, one-half of the total number of members, if—

(a) the share of the State Government in the share capital of the society exceeds fifty per cent. of the total share capital of the society; or

(b) the State Government has given loans or made advances to the society or guaranteed the repayment of principal and payment of interest on debentures issued by the society, or guaranteed the repayment of principal and payment of interest on loans or advances to the society, in amounts exceeding fifty per cent. in the aggregate of the total amount so borrowed by the society.

(1B) Where the State Government exercises its right of nomination under this section, then—

(a) in the case of nomination of Chairman, any person for the time being holding that office shall cease to be Chairman on the date such nomination is made;

(b) in the case of nomination of members of the Committee of Management, lots shall be drawn by or under the authority of the Registrar on the date and at the time and place to be fixed by the Registrar in that behalf (of which notice shall be given to members of the Committee) for the retirement of so many members of the Committee as may be necessary to accommodate the nominees of the State Government, and the members whose names are drawn by lots shall on the date of such drawal cease to be members of the Committee.”;

(c) in sub-section (2), for the words “sub-section (1)”, the words “this section” shall be substituted.

Amend-
ment of
section
35.

4. In section 35 of the principal Act, in sub-section (6), in the proviso, for the word and figures “December 31, 1991”, the word and figures “June 30, 1993” shall be substituted.

Repeal
and
saving.

5. (1) The Uttar Pradesh Co-operative Societies (Amendment) Ordinance, 1993 is hereby repealed.

Ord. 12
of 1993.

(2) Notwithstanding such repeal, anything done or any action taken under the provisions of the principal Act, as amended by the said Ordinance shall be deemed to have been done or taken under the corresponding provisions of the principal Act, as amended by this Act.

SHANKER DAYAL SHARMA,

President.

B R. ATRE,

Joint Secy. to the Govt. of India.

Reasons for the Enactment

Section 29(4) (b) of the Uttar Pradesh Cooperative Societies Act, 1965 (No. 11 of 1966) provides for the appointment of an Administrator or Committee of Administrators for the management of affairs of a Cooperative Society until the reconstitution of the Committee of Management, where the election of the elected members of the Committee of Management has not taken place or could not take place before the expiry of the term of elected members. The Administrator or the Committee of Administrators as aforesaid shall arrange for the reconstitution of the Committee of Management within a period of one year from the date of its appointment or before the expiry of December 31, 1991. This period has been extended from time to time through promulgation of Ordinances by the Governor of Uttar Pradesh. It was extended up to June 30, 1993 by the Uttar Pradesh Cooperative Societies (Amendment) Ordinance, 1993 (Ord. 12 of 1993) promulgated by the President of India on January 16, 1993.

2. Due to certain reasons elections in most of the Cooperative Societies in Uttar Pradesh could not be held and elections of these Cooperative Societies in such a short period could not be possible. Lapse of the provisions of section 34 which provides for nomination by the State Government on the Committee of Management is likely to create a vacuum in the Management of Cooperative Societies. These reasons still continue and, the Ordinance promulgated on 16th January, 1993 expires on the 4th April, 1993. The Government, therefore, decided to extend period up to 30th June, 1993 of Administrator and Committee of Administrators under sections 29 and 35 of the Uttar Pradesh Cooperative Societies Act, 1965 for the said purpose.

3. The powers of the Legislature of the State of Uttar Pradesh to make laws have been declared by the Proclamation issued on 6th December, 1992 under article 356 of the Constitution to be exercisable by or under the authority of Parliament. Parliament has, under article 357(1) (a) of the Constitution conferred on the President the power of the Legislature of the State Government of Uttar Pradesh to make laws *vide* the Uttar Pradesh State Legislature (Delegation of Powers) Act, 1993.

4. It has, therefore, been decided that the aforesaid period for the reconstitution of the Committee of Management be extended up to 30th June, 1993 by amending sections 29, 34 and 35 of the Uttar Pradesh Cooperative Societies Act, 1965 (11 of 1966) by a Presidential enactment.

5. Under the proviso to sub-section (2) of section 3 of the Uttar Pradesh State Legislature (Delegation of Powers) Act, 1993, the President shall before enacting any President's Act, consult a Committee constituted for the purpose consisting of the members of both the Houses of Parliament. As the said Committee has not so far been constituted and the matter is very urgent in nature and the time left is very short, it is proposed to enact the measures without reference to the Committee.

M. S. GILL,

*Secy. to the Govt. of India,
Department of Agriculture and Cooperation.*

